

REMARKS

Claims 1-3, 5-9, 11-14 and 16-17 are pending. Claims 1-3, 5-9, 11-14 and 16-17 are rejected under 35 U.S.C. § 103. Claims 1, 7, 12, and 17 are herein amended, with support for the claim amendments found at least in paragraph [0044] of the as-filed specification. No new matter or new claims have been added. Upon entry of the above amendments, claims 1-3, 5-9, 11-14 and 16-17 will remain pending.

Interview Summary

Examiner Betit is thanked for the telephone interview conducted on October 23, 2009. In addition, the Examiner is thanked for his continued assistance with proposed claim amendments. During the interview, the rejections under 35 U.S.C. §103 were discussed in light of proposed claim amendments. The Kimura and Nakada references as cited also were briefly discussed. No agreement regarding patentability was reached but the examiner indicated that the claims as amended subsequent to the interview would likely overcome the cited prior art. The Examiner has indicated that he will reconsider the claims when filed in light of further search.

Claim Rejections under 35 U.S.C. 103(a)

Claims 1-3, 5-9, 11-14 and 16-17 stand finally rejected under 35 U.S.C. 103(a) as allegedly being unpatentable as obvious over US Patent 6,721,727 (hereinafter "Chau") in view of US Patent 6,366,934 (hereinafter "Cheng"). These rejections are respectfully traversed.

The Chau reference relates to creating metadata for fast search of XML documents stored as column data. Data is stored in a data store connected to a computer. A main table is created in a relational database management system, wherein the main table has a column for storing an extensible markup language (XML) document in a native XML format. The Cheng reference, on the other hand, relates to an extender for a computer-implemented relational database system for storing, querying, and retrieving structured documents in more than one XML format.

The application as-filed presents a system and method for the creation of a user defined type (UDT) having fields that are defined as XML data types and fields that are

defined as non-XML data types within the same UDT. Data conforming to the XML data model can be stored in the XML fields, while non-XML data is sorted in the non-XML fields. Thus, the properties of the XML data model as well as the properties of non-XML fields are preserved within instances of the UDT.

Claims 1 and 7, as amended, recite at least “a user defined type... comprising at least one user specific non-XML data constructor defined by the user, at least one XML data constructor, and an XML interface object” and “storing data conforming to an XML data type within XML fields and data conforming to different data types in non-XML fields within the user defined type”, while claim 12 similarly recites at least “instantiating the class defining the user defined type to create an object of the user defined type comprising at least one user specific non-XML data constructor defined by the user, at least one XML data constructor, and an XML interface object” and creating “an object of the user defined type, wherein said at least one field of the object holds XML data and said at least one other field of the object holds data of said different data type in a non-XML field within the user defined type.” Such features are not disclosed in the cited references.

The Office Action admits on page 3 that the Chau reference “does not distinctly disclose less than all of the fields of the user defined type having the XML data type; defining at least one other of said plurality of fields as having a different data type; and the object holding data of said different data type in at least one other field.” Applicant agrees with this admission. However, these are not the only features lacking in the Chau reference. The Chau reference also does not disclose that a user defined type may create an object of the user defined type comprising at least one user specific non-XML data constructor defined by the user, at least one XML data constructor, and an XML interface object. This feature is recited in each of the independent claims, as amended. Thus, the Chau reference does not provide the disclosure or teaching for at least these features of claims 1, 7, and 12 as amended.

The Office Action looks to the Cheng reference to remedy the lack of disclosure in the Chau reference; however, it does not. The Cheng reference in column 10, lines 10-21, discloses that a user defined type may contain XML fields that are of a DB2XML type, which is different than the primary form of the XML fields; however, they are still of an XML type that is specific to an XML definition associated with DB2. Therefore, the Chau reference does not disclose or teach a user defined type that contains both XML and non-XML data

types as recited in claims 1, 7 and 12 as amended. Thus, even if the teachings of the Chau and Cheng references could have been combined as suggested by the examiner, the claimed invention would not have resulted. Reconsideration and allowance are respectfully requested.

Regarding claims 2-3, 5-6, 8-9, 11, 13-14 and 16-17, each of these claims depends from one of claims 1, 7, or 12. Applicants submit that these claims are patentable over the Chau and Cheng references for at least the reasons stated above with respect to the independent claims. Dependent claims 2-3, 5-6, 8-9, 11, 13-14 and 16-17 are, therefore, allowable for at least the reasons shown for claims 1, 7, and 12, as amended. Accordingly, reconsideration and allowance are respectfully requested.

Withdrawal of rejection of claims 1-3, 5-9, 11-14 and 16-17 as allegedly being obvious over the teachings of Chau and Cheng is thus appropriate and is respectfully solicited.

CONCLUSION

For at least the forgoing reasons, Applicants respectfully submit that the instant application is in condition for allowance. Reconsideration and early allowance is hereby respectfully requested.

Date: November 19, 2009

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